

COMMONWEALTH OF PENNSYLVANIA by the  
PENNSYLVANIA STATE POLICE,  
BUREAU OF LIQUOR CONTROL ENFORCEMENT  
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Case #: 2019-06579-0000 12401845  
Main (Public)  
Code: 0 Judge: 40  
Rcpt: 2019-41-01788 9/18/2019 11:42:25 AM

and by the

THE OFFICE OF THE DISTRICT ATTORNEY, BUCKS COUNTY  
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Attorneys for Plaintiff

Commonwealth of Pennsylvania by the  
PENNSYLVANIA STATE POLICE  
BUREAU OF LIQUOR CONTROL  
ENFORCEMENT

&

BUCKS COUNTY DISTRICT  
ATTORNEY'S OFFICE

(Plaintiff)

v.

HIGH TIDES INVESTORS, LLC  
HIGH TIDES RESTAURANT & BAR  
1067 & 1031 Totem Road  
Bensalem, PA 19020-4953

&

JAMES GIBBOMS  
1067 & 1031 Totem Road  
Bensalem, PA 19020-4953

COURT OF COMMON PLEAS

BUCKS COUNTY

CIVIL ACTION LAW

NO.

&  
PAUL STOPYRA  
1067 & 1031 Totem Road  
Bensalem, PA 19020-4953

&  
WILLIAM RUSHTON  
1067 & 1031 Totem Road  
Bensalem, PA 19020-4953

(Defendants)

### **COMPLAINT**

The Commonwealth of Pennsylvania by the Pennsylvania State Police, Bureau of Liquor Control Enforcement and the Office of the District Attorney, Bucks County, files the within Complaint in Equity against the above-named Defendants, seeking to enjoin a nuisance and in support thereof respectfully represents the following:

#### **Parties**

1. Plaintiff, the Commonwealth of Pennsylvania, through the Pennsylvania State Police, Bureau of Liquor Control Enforcement and the Office of the District Attorney, Bucks County (hereinafter, "Commonwealth") is authorized by Section 211 of the Liquor Code, 47 P.S. §2-211 ("Code"), to enforce the Liquor Code and any regulations promulgated pursuant thereto.

2. Defendant High Tides Investors, LLC is and was at all pertinent times a limited liability company organized under the laws of Pennsylvania doing business as High Tides Restaurant and Bar ("High Tides" or "premises"), at 1067 & 1031 Totem Road, Bensalem, PA 19020. High Tides possesses a Restaurant Liquor License (R-10275, LID No. 67829) issued by

the Pennsylvania Liquor Control Board ("Board") permitting the sale of alcoholic beverages at High Tides.

3. Defendant James Gibboms is and was at all pertinent times a member of High Tides Investors, LLC, doing business as High Tides Restaurant & Bar at 1067 & 1031 Totem Road, Bensalem, PA 19020.

4. Defendant Paul Stopyra is and was at all pertinent times a member of High Tides Investors, LLC, doing business as High Tides Restaurant & Bar at 1067 & 1031 Totem Road, Bensalem, PA 19020, as well as being the Board-approved manager.

5. Defendant William Rushton is and was at all pertinent times a member of High Tides Investors, LLC, doing business as High Tides Restaurant & Bar at 1067 & 1031 Totem Road, Bensalem, PA 19020.

#### **Statutory Authority**

6. The within Complaint in Equity is filed with this Honorable Court pursuant to the authority set forth in Section 611 of the Liquor Code, 47 P.S. §6-611, and common law.

#### **Nature of the Complaint**

7. This is a complaint instituted by the Commonwealth, seeking injunctive relief against corporate Defendant High Tides Investors, LLC., and individual Defendants, James Gibboms, Paul Stopyra and William Rushton, who are the owners and operators of a nuisance bar, High Tides Investors, LCC, holding Restaurant Liquor License No. R-10275, LID No. 67829, and located at 1067 & 1031 Totem Road, Bensalem, PA 19020. High Tides Investors, LLC does business as High Tides Restaurant & Bar. This action arises from Defendants' unlawful disruption of the Bensalem Township community through their operation of High Tides, in violation of the law, as set forth below. This complaint seeks injunctive relief for a period of one (1) year against

the Defendants, James Gibboms, Paul Stopyra and William Rushton, individually and High Tides Investors, LLC doing business as High Tides Restaurant & Bar.

**INJUNCTIVE RELIEF PURSUANT TO 47 P.S. §6-611**

8. On all pertinent dates and at all pertinent times, Defendants have owned and operated a Restaurant Liquor Licensed establishment known as High Tides Restaurant & Bar at 1067 & 1031 Totem Road, Bensalem, PA 19020.

**Bensalem Township Police Department Contacts**

9. On May 14, 2017, at approximately 7:20 p.m., Officer CICHOCKI of Bensalem Township responded to the premises for a report of adult females urinating in the parking lot of the premises. Upon arrival, the officer spoke to an employee of the premises who stated that the four females did not enter the premises but were drinking in the parking lot. The female subjects left just prior to the officer's arrival. (See Exhibit 1)

10. On June 24, 2017, at approximately 2:06 a.m., Officer ROGOZINSKI of Bensalem Township responded to the premises for a large fight with an unconscious subject. Upon arrival the fight was over but there was still a large crowd gathered. A large fight had taken place and the victim had been knocked unconscious. The owner of the premises did not see the fight and stated that there were no cameras outside the premises. While trying to clear the parking lot, Officer SHEEHY asked a visibly intoxicated male to leave but he refused to leave the scene and instead threatened to "kick everyone's ass." (See Exhibits 2 and 3)

11. On July 9, 2017, at approximately 11:39 a.m., Officer HORDIJENKO of Bensalem Township responded to police headquarters and met with a subject who reported that her wallet had been stolen from inside the premises. The victim reported that earlier that morning, at approximately 1:00 a.m., she had left her wallet on the table and walked away. When she returned

the wallet was gone as were all the bottles that had been on the table. The victim tried to speak to various employees who offered no assistance. (See Exhibit 4)

12. On July 15, 2017, at approximately 2:06 a.m., Officer FOX spoke with a complainant who stated that he had been pushed to the ground from behind by a male bouncer at the premises. (See Exhibit 5)

13. On August 19, 2017, at approximately 1:28 a.m., Officer HORDIJENKO of Bensalem Township called an assault victim who stated that he had been dragged out of the premises by security personnel and kicked in the head. The victim stated that his sister and father had also been assaulted by security personnel. HORDIJENKO then responded to the premises and was informed by security that the victims had been involved in multiple incidents throughout the night and had to be removed from the premises. (See Exhibit 6)

14. On September 2, 2017, at 2:16 a.m., Officer MACDOUGALL of Bensalem Township responded to the premises for a disturbance in the parking lot. The complainant stated that there was a subject driving around the parking lot yelling. Upon arrival the officer made contact with a different group of patrons and found one to be intoxicated. (See Exhibit 7)

15. On September 10, 2017, at approximately 2:15 a.m., a neighbor of the premises called the Bensalem Township Police to report noisy people revving their engines in the parking lot after they left the premises. Upon arrival at approximately 2:39 a.m., approximately 24 minutes after the original call, Officer SMITH did not observe loud vehicles or groups in the lot. (See Exhibit 8)

16. On September 20, 2017, at approximately 3:15 p.m., Officer FARNAN of Bensalem Township met with a complainant who lives next door to the premises to take a complaint about disorderly operations at the premises. The complainant stated that on weekends

between 1:00 a.m. and 3:00 a.m. she observes patrons of the premises racing down her street, urinating on her fence and hears them yelling and cursing. (See Exhibit 9)

17. On September 30, 2017, at approximately 1:18 a.m., Officer SHEEHY of Bensalem Township responded to the premises for a report of people making noise outside. The officer observed that the bar was crowded and that there was noise from the deck. (See Exhibit 10)

18. On October 14, 2017, at approximately 1:02 a.m., Officer HORDIJENKO of Bensalem Township responded to the premises for a report of cars racing the parking lot, people yelling and screaming, and bottles being thrown. Due to a large number of people at the premises, officers remained in the area. (See Exhibit 11)

19. On October 15, 2017, at approximately 12:16 a.m., Corporal WINOKUR, Officers LITVINENKO, ROGOZINSKI and HORDIJENKO of Bensalem Township responded to the premises regarding patrons claiming to have been assaulted by security personnel. The patrons were intoxicated, and security personnel stated that they had tried to remove one of the patrons from the premises which led to a physical confrontation. (See Exhibit 12 and 13)

20. On November 5, 2017, at approximately 1:14 a.m., Officer SMITH of Bensalem Township responded to the premises for a report of six to seven subjects fighting in the parking lot. Upon arrival, the subjects were gone, and security personnel informed the officer that they had left prior to the officer's arrival. (See Exhibit 14)

21. On February 25, 2018, at approximately 12:35 a.m., Officer CROZIER of Bensalem Township responded to the premises for a report of a patron being grabbed by security staff, carried out of the premises and then thrown on the ground. Security personnel stated that the subject had been advised not to grab a female patron after he had done so earlier. The subject grabbed the female patron's arm and security personnel picked him up, carried him out, and threw

him on the ground. The officer asked to view security camera footage and was told that the cameras are not operational. (See Exhibit 15)

22. On April 13, 2018, at approximately 2:00 p.m., Officer DORNISCH of Bensalem Township met with a complainant who lives next door to the premises to take a complaint regarding disorderly operations at the premises. The complainant stated that there is ongoing loud noise from the premises between 1:00 a.m. and 3:00 a.m. on Fridays and Saturdays. (See Exhibit 16)

23. On May 13, 2018, at approximately 12:45 a.m., Officers MULLER and HORDIJENKO of Bensalem Township responded to the premises for a report of a highly intoxicated male outside of the business. Upon arrival they observed a male yelling at patrons still inside the premises. The male was staggering and slurring his speech. He was found to be in possession of marijuana and methamphetamine. (See Exhibit 17)

24. On May 13, 2018, at approximately 1:36 a.m., several officers from Bensalem Township responded to the premises for a report of a large fight involving approximately 20 people. Upon arrival, Officer MALCOM reported that there was no longer an active fight. Officer HORDIJENKO was approached by a witness who stated that the owner of the premises was pointing a gun at people in the parking lot while they were fighting. The witness exited the premises and approached the subject with the gun and told him that he needed to put it away. The subject then pointed the gun at the witness. The witness told him to put the gun away and he eventually did. Sergeant SCHUMANN and Officers SHEEHY and FARNAN escorted the subject into the premises and retrieved the gun, a .40 caliber Glock. (See Exhibit 18)

25. On June 2, 2018, at approximately 2:20 a.m., Officer HUGHES of Bensalem Township responded to the premises for report of a disturbance. Upon arrival HUGHES was advised that a male subject had been causing a disturbance but had since left. (See Exhibit 19)

26. On June 17, 2018, at approximately 12:50 a.m., Officer JACHIMSKI responded to the premises for report of a disturbance. Upon arrival, JACHIMSKI met with an employee who stated that a group of males who were asked to leave the premises began to cause a disturbance in the parking lot. The males left the area while Bensalem Township officers were on location. (See Exhibit 20)

27. On September 23, 2018, at approximately 12:23 a.m., Officer ADORNO responded to the premises for a violent, intoxicated subject. The intoxicated subject had been escorted out of the premises due to his aggressive behavior, and while in the parking lot, began punching cars, causing visible damage to at least one. Upon arrival, Officer ADORNO observed the subject to be under the influence of alcohol and detected a very strong odor of alcohol coming from him. The subject also had glassy/bloodshot eyes and was having difficulty standing upright. The vehicle in question sustained \$898.46 of damage to the rear quarter panel on the passenger side. (See Exhibit 21)

28. On October 6, 2018, at approximately 2:08 a.m., Officer CELAURO of Bensalem Township responded to the premises for a noise complaint. Upon arrival, the Officer observed that the crowd was dispersing and took no further action. (See Exhibit 22)

29. On October 20, 2018, at approximately 1:57 a.m., Officers CROZIER and SHEEHY responded to the premises for the report of an assault/disturbance. Upon arrival, several people ran out of the premises and pointed to two subjects walking away from the premises. Both were stopped and found to be intoxicated. Officer SHEEHY spoke to security staff who stated



that the subjects were asked to leave when they became aggressive toward female patrons on the dance floor. When asked to leave they became belligerent with staff and patrons and threw beer on one employee and punched another. (See Exhibit 23)

30. On November 11, 2018, at approximately 2:06 a.m., a neighbor of the premises called the Bensalem Township Police to report noisy people in the parking lot after they left the premises. Upon arrival at approximately 2:13 a.m., Officer HORDIJENKO sat in the parking lot and determined that after his arrival the noise was reasonable. (See Exhibit 24)

31. On November 17, 2018, at approximately 3:00 a.m., Officer FORCINA of Bensalem Township arrived at the premises for the report of a gun found by the owner in a bathroom stall. The gun was fully loaded and was found to be registered to a resident of Philadelphia who advised that he placed it on the back of the toilet and did not realize that it had fallen behind the toilet. (See Exhibit 25)

32. On December 1, 2018, at approximately 1:58 a.m., Officer CROZIER of Bensalem Township responded to the premises for a disturbance. The officer observed several subjects arguing in the parking lot. While attempting to speak to the subjects, the officer made contact with two subjects who were visibly intoxicated. (See Exhibits 26 and 27)

33. On December 29, 2018, at approximately 11:04 p.m., Officer ADORNO of Bensalem Township responded to the premises for an intoxicated patron who was ejected from the premises for his physical behavior and was refusing to leave the area. The subject was gone upon the officer's arrival. (See Exhibit 28)

34. On January 27, 2019, at approximately 10:45 a.m., Officer FORCINA of Bensalem Township met with a complainant to take a report of an assault that occurred at approximately 1:45 a.m. in the parking lot of the premises. The victim reported that her friends and another group

at the premises began arguing and both groups were ejected from the premises. Once in the parking lot, the other group began attacking the victim and her friends. The victim was punched and thrown to the ground by two unknown males and two unknown females. Her iPhone was also thrown on the ground and broken. (See Exhibit 29)

35. On March 10, 2019, at approximately 3:13 a.m., multiple Bensalem Township Police officers responded to the premises for a report of shots fired. Three subjects were stopped and found to be in possession of a gun but were deemed to have not been involved in any incident at the premises. (See Exhibit 30 and 31)

36. On March 10, 2019, at approximately 4:06 a.m., Officer HAYDEN of Bensalem Township responded to an assault that took place at the premises. The victim reported that she got out of a car to look for a friend as they were leaving and was assaulted and hit in the head. The friend was also assaulted by the same actor and was punched in the face multiple times, receiving a bloody nose and swelling to her face. (See Exhibit 32)

37. On April 28, 2019, at approximately 12:01 a.m., Officer ROGOZINSKI of Bensalem Township responded to the premises for a noise complaint. The officer found the noise level to not be excessive. (See Exhibit 33)

38. On April 28, 2019, at approximately 1:16 a.m., Officer ROGOZINSKI of Bensalem Township responded to the premises for a report of a domestic assault. The officer spoke to a bouncer who stated that a male subject had beaten his girlfriend. The male subject was escorted from the premises and ran, followed by his girlfriend. (See Exhibit 34)

39. On June 9, 2019, at approximately 1:19 a.m., Officer HOWARD of Bensalem Township responded to the premises for a report of an armed subject. Upon arrival, no armed subject was found. According to security personnel, two males who had been fighting were

separated and escorted from the premises through different doors. One subject remained in the parking lot and stripped his shirt off and was pacing the parking lot. A female patron yelled, "Gun," but no gun was ever displayed, according to security personnel. (See Exhibit 35)

40. On June 9, 2019, at approximately 2:10 a.m., Officer HORDJENKO responded to the premises for a noise complaint and observed customers in the parking lot of the premises being loud. (See Exhibit 36)

41. On June 16, 2019, at approximately 5:04 a.m., Officer GWILLIAM of Bensalem Township took a report via phone regarding a fight that had taken place at the premises earlier that day. The subject stated that while at the premises with his girlfriend and her friend, the friend was involved in an altercation with another girl and exited. The subject stated that when he exited later with his girlfriend, a group of six or seven people who had been involved in the earlier altercation would not let them get in their car. They threw rocks at the car and began shoving and punching his girlfriend. When the subject pushed people away from his girlfriend, he was accused of punching a girl in the face and was then punched in his face. (See Exhibit 37)

42. On June 23, 2019, at approximately 1:18 a.m., Officer HOWARD of Bensalem Township responded to the premises for a report of people making noise in the parking lot of the premises. Other officers arrived to monitor the situation and remained on the scene until after the premises closed for the day. (See Exhibit 38)

43. On June 23, 2019, at approximately 10:34 p.m., multiple officers from Bensalem Township responded to the premises for a report of a stabbing. During the course of the investigation it was determined that two Pagans, belonging to different chapters, had been involved in a non-physical altercation, although a push-button activated knife was found on one subject. While in the parking lot watching the premises, Officer ROGOZINSKI was approached by an

officer of the Pagans who asked about the incident. The subject stated that he frequents the premises and did not want the other Pagans to "fuck it up for him." (See Exhibit 39)

44. On June 29, 2019, at approximately 1:40 a.m., Officers FORCINA and GWILLIAM of Bensalem Township were on a patrol check at the premises and observed a Pagan, wearing his gang colors, yelling at another subject who identified himself as a member of the Outlaws. (See Exhibit 40)

45. On June 30, 2019, at approximately 5:39 p.m. Officer GWILLIAM responded to the premises for an unwanted patron inside. The manager stated that the subject is a known Pagan who comes in every week and causes trouble. The manager asked that the subject be removed and banned. GWILLIAM made contact with the subject and found him to be one of the Pagans from the incident on June 23, 2019. (See Exhibit 41)

46. On July 13, 2019, at approximately 2:20 a.m., while on a patrol check at the premises, Officer CROZIER of Bensalem Township observed a male subject stumble to his car, enter the vehicle and talk on his phone before exiting the vehicle to speak to another subject outside. The subject then got back into his car and attempted to leave the parking lot. CROZIER stopped him and observed that he had watery, bloodshot eyes and slurred speech, as well as an odor of alcohol emanating from him. (See Exhibit 42)

47. On July 27, 2019, at approximately 10:52 p.m., officers from Bensalem Township responded to a two-vehicle crash in the parking lot of the premises. (See Exhibits 43 and 44)

48. On August 4, 2019, at approximately 1:35 a.m., officers from Bensalem Township responded to a large fight in progress in the parking lot of the premises. Upon arrival, the fight was over, and a large group of people were throughout the parking lot. Officer HOWARD was approached by a security guard from the premises who stated that two males had been arguing in

the premises and he escorted them out. While doing so, he was punched in the mouth by one of the males. The security guard then stated, "We started beatin' on 'em." A further fist fight took place in the parking lot, after which both males left. (See Exhibit 45)

49. On August 4, 2019, at approximately 1:35 a.m., Officer MICCIOLO also responded to the above incident and observed two males get into a verbal altercation. The males were separated. A short time later, one of the males went back over to the other and attempted to punch him in the face. The male who threw the punch was arrested and found to have a strong odor of alcohol, as well as slurred speech, and was unsteady on his feet. (See Exhibit 46)

50. On August 4, 2019, at approximately 2:08 a.m., Officer HORDIJENKO responded to the premises to meet with a complainant in regard to an incident that had occurred at approximately 1:30 a.m. The complainant stated that while dancing, he was bumped into and in turn then bumped into a female. The female subject pushed him a few times, headed towards the door and then threw a bottle at him. (See Exhibit 47)

51. On August 4, 2019, at approximately 2:12 a.m., while in the parking lot for the incident in paragraph 48, Officer HOWARD observed a large group of people fighting. Most of those involved were female and one female was throwing punches and pulling hair. HOWARD removed her from the crowd and found her to have an overwhelming odor of alcohol. (See Exhibit 48)

52. On August 11, 2019, at approximately 1:23 a.m., Officer HARTMAN of Bensalem Township responded to the premises for a report of a car's rear window being broken. Security personnel stated that a female patron had been ejected from the premises at approximately 12:50 a.m. on August 10, 2019. The security guard stated that he went outside approximately 20 minutes later and observed her fighting with other females in the parking lot. An employee of the premises

was trying to leave in her vehicle and was blocked by this fight. She asked the females to move and one ran up and shattered her rear window. The security guard witnessed the event and stated that the female had a rock in her hand. (See Exhibit 49)

53. On August 18, 2019, at approximately 12:55 a.m., Officer MALCOLM of Bensalem Township responded to the premises for a possible fight in progress. Upon arrival, MALCOLM observed a full parking lot and multiple groups of people outside the premises conversing. Due to the large number of people outside the premises, the officer requested additional officers to respond to the premises. A heavy police presence remained at the premises until 2:45 a.m. (See Exhibit 50)

54. On August 24, 2019, at approximately 2:00 a.m., multiple officers from Bensalem Township responded to the premises to monitor the area at closing time. Officer REHEIL observed a white male patron, who had been thrown out earlier, walking down Totem Road shoeless, screaming and yelling. It was determined that he was screaming at his girlfriend, who was by the parking lot, about her dancing with other men inside the premises. He was walking past houses and began yelling racial slurs. Officer KOLB drove to the male's location to end the disturbance and found him stumbling with an unsteady gait, slurred speech and a strong odor of alcohol emanating from him. (See Exhibit 51)

55. On August 25, 2019, at 2:23 a.m., Officers ADORNO, HILL, FLEMING and KOLB were at the premises to monitor the parking lot and avoid issues at closing time. They observed security personnel in an argument with four younger, white males in front of the main entrance of the premises. One of the males in particular was behaving in an aggressive and antagonistic manner toward the security personnel. His speech was slurred, his eyes were bloodshot, his gait was unsteady, and he had a strong odor of alcohol emanating from his person.

The males were supposed to have taken an Uber but became verbally aggressive with the driver, who left. The males were told to go to the upper parking area to wait for their ride to clear the main entrance. The males remained in the area and continued to yell and cause a disturbance. Due to the volume of complaints from the residents in the area of the premises, Officer KOLB attempted to arrest the most aggressive male subject and, after heavy resistance, was able to place him under arrest to calm the situation. (See Exhibit 52)

56. On September 1, 2019, at approximately 2:00 a.m., multiple officers from Bensalem Township responded to the premises for an incident involving ten to fifteen people. Upon arrival, they were met by four people, two of whom had wet and dried blood on their faces, hands and clothes. All were displaying signs of extreme intoxication and alternated between being cooperative and belligerent. Security personnel stated that one of the subjects was asked to leave at around 1:00 a.m. for being disorderly. One of the guards mentioned to the subject's companion that he needed to get him under control and a fight broke out between security and several subjects. (See Exhibit 53 and 54)

57. On September 15, 2019, at approximately 1:26 a.m., multiple officers from Bensalem Township responded to a burglary in progress at 1057 Totem Road, Apartment A-3, located at the edge of the premises' parking lot. Upon arrival, they observed a younger naked white male being held down by the residents of the apartment. Blood was observed in multiple locations around the room. The complainant stated that his brother notified him that an unknown male had entered their apartment and gone to the third floor. The brothers confronted the male who was stripping off his clothes. The complainant attempted to pin the unknown male down and his brother hit the male with a fluorescent light bulb. The unknown male, now completely naked, began demanding oral sex from the complainant's brother and also punched him a few times. The

brother believes that the unknown male walked into their apartment from the premises. Officers noted that the male seemed to be intoxicated. The male subject stated to Officer WOLFINGER that he called for a "group Lyft" from his place of employment earlier on September 14 and began talking to the two female passengers in the vehicle with him. They were dropped off at the premises and the male subject decided to go into the premises with them and proceeded to consume approximately seven shots of alcohol. (See Exhibit 55)

### **Liquor Code Violations**

58. On April 25, 2016, Liquor Enforcement Officer ("LEO") FINNEY reviewed the file for the premises and examined the Conditional Licensing Agreement ("CLA") between the premises and the Board. (See Exhibit 56). Section 7(b) of the CLA states that at least two security guards should be present and working each day of the week from 9:00 p.m. until one-half hour after patrons are required to vacate the premises. All security personnel shall be in clothes in such a way as to make his/her status as security personnel readily apparent. Section 7(c) states that a transaction scan device shall be utilized to scan the identification of all patrons purchasing alcoholic beverages, notwithstanding the fact that the patron may have had his or her identification scanned on a previous occasion.

59. On April 26, 2016, LEO FINNEY entered the premises at 6:18 p.m. and observed six patrons who appeared to be sober, orderly and of legal drinking age. FINNEY ordered and was served a twelve-ounce bottle of Heineken beer. The bartender looked at FINNEY's identification but did not scan it.

60. On May 12, 2016, LEOs FINNEY and HOMENTOSKY entered the premises at 6:00 p.m. and observed 25 patrons who appeared to be sober, orderly and of legal drinking age.



FINNEY ordered and was served 2 twelve-ounce bottles of Heineken beer. The bartender looked at FINNEY's identification but did not scan it.

61. On May 26, 2016, LEO FINNEY entered the premises at 10:45 p.m. and did not observe any security personnel inside the premises. FINNEY ordered and was served a twelve-ounce bottle of Heineken beer. The bartender looked at FINNEY's identification but did not scan it.

62. The conduct in Paragraphs 58 through 61 resulted in the issuance of a Citation against the premises. Citation No. 16-1002 was issued on July 25, 2016 and charged the premises with violating Section 404 of the Liquor Code, 47 P.S. § 4-404, on April 26, May 12, May 14 and May 26, 2016 by failing to adhere to the conditions of the agreement entered into with the Board placing additional restrictions upon the premises' license. An adjudication was issued by the Office of Administrative Law Judge ("OALJ") on July 29, 2019 finding the premises in violation on April 26, May 12 and May 26, 2016 and imposing a fine of \$350.00. (See Exhibits 57 and 58)

63. On July 9, 2016, LEO LEARN reviewed the CLA between the Board and the premises and noted the sections above, as well as Section 7(d) which states that:

there shall be no live entertainment at the premises except as part of a "private party." The prohibition on live entertainment shall also prohibit the use of a disc jockey. A "private party" is defined as an event scheduled by a third party, at least 24 hours in advance, which is not open to the general public. There must be food either provided by the premises or brought onto the premises already prepared. No live entertainment at any outdoor serving area authorized by this section may begin before 7:00 a.m. or continue past 9:00 p.m. Nothing in this section shall prohibit the premises from providing background music at any outdoor serving area at sound levels that are not audible beyond the property line, but no such music may occur between 1:00 a.m. and 7:00 a.m. A record of the date and time of such private parties, along with the person requesting the private party, the approximate number of guests attending and whether live entertainment was provided shall be kept by the premises as a business record.

64. On the same date, at approximately 10:50 p.m., LEARN entered the premises and was asked for identification by a white male wearing a black "High Tides" t-shirt, with no "security" markings visible. He looked at LEARN's identification and handed it back without scanning it. LEARN did not observe any employees wearing any clothing that had "Security" on it.

65. On July 23, 2016, at 9:00 p.m., LEARN entered the premises and noted employees working at the entrances, none of whom were wearing clothing that would make their status as security personnel readily apparent to the public. The LEO was also not asked for identification upon entering. LEARN noted that there was a "Christmas in July" event taking place and observed a disc jockey setting up a computer and two 4' X 2' speakers. LEARN did not observe any music playing while in the premises or hear any music during further surveillance in the surrounding neighborhood.

66. On July 25, 2016, at 1:50 p.m., LEARN spoke to the board-approved manager of the premises who confirmed that the event on July 23, 2016, was not a private, catered event.

67. The conduct in Paragraphs 63 through 66 resulted in the issuance of a Citation against the premises. Citation No. 16-1213 was issued on September 9, 2016 and charged the premises with violating Section 404 of the Liquor Code, 47 P.S. § 4-404, on July 9 and July 23, 2016, by failing to adhere to the conditions of the agreement entered into with the Board placing additional restrictions upon the premises' license. An adjudication was issued by the OALJ on June 16, 2017 finding the premises in violation on July 9, and July 23, 2016, and imposing a fine of \$500.00. (See Exhibits 59 and 60)

68. On September 24, 2016, at approximately 11:35 p.m., LEOs BUCK and ABATI entered the premises and were asked for identification which was then scanned through a scanning

64. On the same date, at approximately 10:50 p.m., LEARN entered the premises and was asked for identification by a white male wearing a black "High Tides" t-shirt, with no "security" markings visible. He looked at LEARN's identification and handed it back without scanning it. LEARN did not observe any employees wearing any clothing that had "Security" on it.

65. On July 23, 2016, at 9:00 p.m., LEARN entered the premises and noted employees working at the entrances, none of whom were wearing clothing that would make their status as security personnel readily apparent to the public. The LEO was also not asked for identification upon entering. LEARN noted that there was a "Christmas in July" event taking place and observed a disc jockey setting up a computer and two 4' X 2' speakers. LEARN did not observe any music playing while in the premises or hear any music during further surveillance in the surrounding neighborhood.

66. On July 25, 2016, at 1:50 p.m., LEARN spoke to the board-approved manager of the premises who confirmed that the event on July 23, 2016, was not a private, catered event.

67. The conduct in Paragraphs 63 through 66 resulted in the issuance of a Citation against the premises. Citation No. 16-1213 was issued on September 9, 2016 and charged the premises with violating Section 404 of the Liquor Code, 47 P.S. § 4-404, on July 9 and July 23, 2016, by failing to adhere to the conditions of the agreement entered into with the Board placing additional restrictions upon the premises' license. An adjudication was issued by the OALJ on June 16, 2017 finding the premises in violation on July 9, and July 23, 2016, and imposing a fine of \$500.00. (See Exhibits 59 and 60)

68. On September 24, 2016, at approximately 11:35 p.m., LEOs BUCK and ABATI entered the premises and were asked for identification which was then scanned through a scanning

device. The LEOs observed two employees who were clothed in a way that made their status as security personnel readily apparent. The LEOs then observed a disc jockey playing music, which continued during the entirety of their visit which concluded at 12:30 a.m. on September 25, 2016. There was no private party taking place and the CLA between the Board and the premises was still in effect.

69. On October 8, 2106, at 10:25 p.m., LEO BROCKWAY entered the premises and was asked for identification which was scanned by the security personnel at the door. The LEO noticed that there appeared to be a party taking place which was not separated in any way from the public side of the premises. Entertainment was being provided by a disc jockey who was playing music through two speakers each measuring approximately 1' X 2' X 1'.

70. On October 14, 2016, at 10:25 p.m., LEO VAIL entered the premises and was not asked for identification by any employee. Further, VAIL observed a disc jockey playing music in the dining area of the premises. The LEO did not observe a private party taking place anywhere on the premises.

71. On October 21, 2016, at approximately 9:14 p.m., LEOs BUCK and KLINE entered the premises and observed a disc jockey playing music for the duration of their visit and no private party taking place.

72. During a follow up to this investigation, LEO BROCKWAY determined that the premises was not in full compliance with the Board's Responsible Alcohol Management Program, or RAMP. The CLA between the Board and the premises mandates full compliance with RAMP in Section 7(a). The premises was not fully compliant between June 10 and July 24, 2016.

73. The conduct in Paragraphs 68 through 72 resulted in the issuance of a Citation against the premises. Citation No. 17-0459 was issued on April 10, 2017, and charged the premises

with violating Section 404 of the Liquor Code, 47 P.S. § 4-404, during the period of June 10, to July 24, 2016, and on September 24, September 25, October 8, October 14, and October 21, 2016 by failing to adhere to the conditions of the agreement entered into with the Board placing additional restrictions upon the premises' license. An adjudication was issued by the OALJ on July 29, 2019, finding the premises in violation on September 24 and 25, and October 8, 14 and 21, 2016, and imposing a fine of \$400.00. (See Exhibits 61 and 62)

74. On April 15, 2017, at approximately 8:27 p.m., LEO GOODWIN entered the premises and observed multiple speakers located throughout the inside and outside areas of the premises. Music was being played through the speakers and was provided by a laptop running a music application such as Pandora. GOODWIN left the premises at 9:12 p.m. and drove across the bridge to the other side of the Neshaminy Creek and parked at a distance of approximately 589 feet from the premises. At this location, the LEO was able to hear music emanating from the premises.

75. On April 28, 2017, at approximately 10:18 p.m., LEOs GOODWIN and BROCKWAY parked in a gravel lot located approximately 533 feet from the premises across the Neshaminy Creek and could hear music clearly from the premises. At approximately 10:28 p.m., the LEOs entered the premises and observed a disc jockey playing music from a laptop through at least two speakers. The LEOs were permitted to enter the area where the disc jockey was set up and observed no signs that a private party was occurring, as set forth in the CLA between the Board and the premises.

76. During the course of this investigation GOODWIN was in touch with a complainant who kept a log of dates and times where the complainant could hear music and noise from the premises at his residence across the Neshaminy Creek. That log contained the following dates:

February 17, 18, 19, March 25, 26, 27, 28, April 1, 2, 3, 4, 10, 15, 16, 18, 19, 23, 24, 28, 29, 30 and May 3, 2017.

77. The conduct in Paragraphs 74 through 76 resulted in the issuance of a Citation against the premises. Citation No. 17-0753 was issued on June 19, 2017, and charged the premises with violating Section 404 of the Liquor Code, 47 P.S. § 4-404, on April 28, 2017, by failing to adhere to the conditions of the agreement entered into with the Board placing additional restrictions upon the premises' license; violating Section 493(34) of the Liquor Code, 47 P.S. § 4-493(34), on April 15, and April 28, 2017, by permitting to be used on the inside and/or outside of the licensed premises, a loudspeaker whereby the sound of music could be heard beyond the licensee's property line; and violating Section 471 of the Liquor Code, 47 P.S. §4-471, on February 17 through 19, March 25 through 28, April 1 through 4, 10, 15 through 19, 23, 24, 28 through 30 and May 3, 2017, by operating the premises in a noisy and/or disorderly manner. An adjudication was issued by the OALJ on July 29, 2019, finding the premises in violation on all dates cited and imposing a total fine of \$1,450.00. (See Exhibits 63 and 64)

78. On June 11, 2017, at approximately 4:50 p.m., LEOs GOODWIN and BROCKWAY entered the premises. Shortly after arriving, a steel drum band began playing, with their music being amplified through at least two speakers on the deck of the premises. The LEOs left and parked in a gravel lot across the Neshaminy Creek from the premises and at a distance of approximately 519 feet could still hear the steel drum band playing.

79. On July 9, 2017, LEOs GOODWIN and BROCKWAY parked in a gravel lot across the Neshaminy Creek from the premises and could hear music playing from the premises at a distance of approximately 571 feet. They then met with a complainant at their home across the Neshaminy Creek from the premises and while on their property the music was louder. This

property is approximately 547 feet from the premises. The LEOs then went to the premises and observed that the same band from their June 11, 2017, visit was playing music that was amplified by at least two speakers.

80. During the course of this investigation, GOODWIN was in touch with a complainant who kept a log of dates and times where the complainant could hear music and noise from the premises at his residence across the Neshaminy Creek. That log contained the following dates: May 17, 23, 24, 27, 29, June 3, 4, 11, 16, 17, 18, 23, 24, 25, 28, July 2, 7, 9, 16, 19, 21, 23, 28, 29, 30, August 3 through 6, and 10 through 12, 2017.

81. The conduct in Paragraphs 78 through 80 resulted in the issuance of a Citation against the premises. Citation No. 17-1290 was issued on October 4, 2017, and charged the premises with violating Section 493(34) of the Liquor Code, 47 P.S. § 4-493(34), on June 11, and July 9, 2017, by permitting to be used on the inside and/or outside of the licensed premises, a loudspeaker whereby the sound of music could be heard beyond the licensee's property line; and violating Section 471 of the Liquor Code, 47 P.S. § 4-471, on February 17 through 19, March 25 through 28, April 1 through 4, 10, 15 through 19, 23, 24, 28 through 30 and May 3, 2017, by operating the premises in a noisy and/or disorderly manner. Two charges for recordkeeping and complying with the CLA were also charged, but were dismissed by the OALJ. An adjudication was issued by the OALJ on July 29, 2019, finding the premises in violation of the loudspeaker and noisy and/or disorderly charges and imposing a total fine of \$1,000.00. (See Exhibits 65 and 66)

82. On October 8, 2017, at approximately 5:51 p.m., LEO KLINE entered the premises and purchased a twelve-ounce bottle of Miller Lite beer after his identification was requested and checked, but not scanned.

83. On November 22, 2017, at approximately 11:27 p.m., LEO GOODWIN entered the premises and observed a disc jockey playing music through at least two speakers. The LEO observed that there was no private party taking place and in fact they had entered the area where the disc jockey was set up without any issue.

84. The conduct in Paragraph 82 through 83 resulted in the issuance of a citation against the premises. Citation No. 18-0322 was issued on March 16, 2018, and charged the premises with violating Section 404 of the Liquor Code, 47 P.S. § 4-404, during the period July 14, through December 23, 2017 by failing to adhere to the conditions of the agreement entered into with the Board placing additional restrictions upon the premises' license. A recordkeeping charge was brought and was dismissed by the OALJ. An adjudication was issued by the OALJ on July 29, 2019, finding the premises in violation of the CLA on October 8, and November 22, 2017 and imposing a fine of \$100.00. (See Exhibits 67 and 68)

85. On March 31, 2018, at approximately 7:40 p.m., LEOs SKURKIS and GIGLIOTTI entered the premises and purchased two bottles of Miller Lite beer. Their identifications were not requested at the door or during the purchase.

86. On April 27, 2018, at approximately 9:52 p.m., the same LEOs entered the premises and purchased two alcoholic beverages. Their identifications were not requested at the door or during the purchase. Further, during this visit to the premises they did not observe any employee who showed clear representation of security at the premises. The LEOs left at 11:00 p.m.

87. On May 16, 2018, at approximately 10:44 a.m., LEOs SKURKIS and DEVANEY met with board-approved manager STOPYRA to review records. During this meeting the LEOs examined the records of events held at the premises. They reviewed records for events held on



several dates between January 24 and May 5, 2018. All but one of these events were not private, and live entertainment was provided in violation of the premises' CLA.

88. During the course of this investigation SKURKIS was in touch with a complainant who kept a log of dates and times where the complainant could hear music and noise from the premises at his residence across the Neshaminy Creek. That log contained the following dates: January 1, 2, March 9, 10, 25, May 4, 5, 6, 13, 18, and 27, 2018.

89. The conduct in Paragraph 85 through 88 resulted in the issuance of a Citation against the premises. Citation No, 18-1146 was issued on August 22, 2018, and charged the premises with violating Section 471 of the Liquor Code, 47 P.S. §4-471, on January 1, 2, March 9, 10, 25, May 4, 5, 6, 13, 18 and 27, 2018, by operating the premises in a noisy and/or disorderly manner; and violating Section 404 of the Liquor Code, 47 P.S. § 4-404, during the period January 24, through May 5, 2018, by failing to adhere to the conditions of the agreement entered into with the Board placing additional restrictions upon the premises' license. Two recordkeeping charges were also brought but dismissed by the OALJ. An adjudication was issued by the OALJ on July 29, 2019, finding the premises in violation of the noisy and/or disorderly and CLA charges and imposing a total fine of \$1,200.00. (See Exhibits 69 and 70)

90. On October 19, 2018, at approximately 9:35 p.m., LEOs KLINE and MOODY entered the premises and sat at the bar without having their identifications checked. They purchased alcoholic beverages during their visit and their identifications were not checked during the purchase. The LEOs observed a disc jockey playing music that was amplified through speakers. There was no indication of a private party taking place.

91. On November 18, 2018, at approximately 3:04 p.m., LEO KLINE entered the premises and sat at the bar and purchased alcoholic beverages. No one from the premises asked KLINE for his identification at any point during his visit.

92. On December 2, 2018, at approximately 1:05 a.m., LEOs KLINE and ZUBRICKAS entered the premises. They were not asked for identification by the security personnel at the door nor were they asked when they purchased alcoholic beverages. The LEOs observed a disc jockey set up and playing amplified music. They also did not observe any indication that there was a private party taking place.

93. On December 28, 2018, at approximately 11:40 p.m., LEO KLINE entered the premises and observed a security guard visually checking youthful appearing patrons' identifications. He did not ask for KLINE's identification, nor did the employee that served KLINE alcoholic beverages. The LEO observed a disc jockey set up and playing music with no indications that a private party was taking place. KLINE observed that all patrons seemed to be moving freely through the premises.

94. On January 29, 2019, at approximately 10:48 a.m., LEOs BRUTOSKY and ANTHONY arrived at the premises to review entertainment and events records for July 14, 2018, through January 19, 2019. They determined that private events were held at the bed and breakfast portion of the premises which is in a separate building not connected to the bar building. Discrepancies were found in the records for events held on the following dates: July 14, 21, 28, August 4, 12, 17, 18, September 7, 15, 19, 22, 29, 30, October 5, 6, 7, 13, November 18, 2018, and January 4, 11, and 19, 2019. These discrepancies varied from full names of the people making the arrangements not being included, live entertainment occurring at non-private functions in the main

bar building, and the contracts not including the dates they were made to ensure that it was completed 24 hours in advance of the event.

95. The conduct in Paragraphs 90 through 94 resulted in the issuance of a Citation against the premises. Citation No. 19-0424 was issued on April 3, 2019, and charged the premises with violating Section 493(12) of the Liquor Code, 47 P.S. §4-493(12) for not maintaining complete and truthful records covering the operation of the licensed business for a period of two years immediately preceding January 29, 2019; and violating Section 404 of the Liquor Code, 47 P.S. § 4-404, on July 14, 21, 28, August 4, 12, 17, 18, September 7, 15, 19, 22, 29, 30, October 5, 6, 7, 13, 19, November 18, December 2, 28, 2018, January 4, 11, and 19, 2019, by failing to adhere to the conditions of the agreement entered into with the Board placing additional restrictions upon the premises' license. A hearing has not been held yet to address this Citation. (See Exhibit 71)

96. On April 5, 2019, at approximately 4:52 p.m., LEO BLAKER entered the premises and determined that it would be safe for an Age Compliance Check to be conducted using an underage buyer and other LEOs. The underage buyer entered the premises and sat near BLAKER. The underage buyer ordered a Miller Lite beer and was asked for identification by the bartender. The underage buyer produced his/her actual Pennsylvania Driver's License and was refused service after the bartender looked at it. However, when BLAKER purchased a twelve-ounce bottle of Miller Lite beer the bartender did not scan BLAKER's license in violation of the CLA. The bartender failing to scan the underage buyer's identification was also in violation of the CLA.

97. The conduct in Paragraph 96 resulted in the issuance of a Citation against the premises. Citation No. 19-0742 was issued on May 10, 2019, and charged the premises with violating Section 404 of the Liquor Code, 47 P.S. § 4-404, on April 5, 2019, by failing to adhere

to the conditions of the agreement entered into with the Board placing additional restrictions upon the premises' license. A hearing has not been held yet to address this Citation. (See Exhibit 72)

### **Adverse Effect Upon the Community**

98. Joseph FRANCANO, III lives approximately 200 feet from the premises, directly across the Neshaminy Creek, in clear view of the premises. FRANCANO has called the police over 200 times in the previous two years to report activities taking place at the premises. FRANCANO stated that he is disturbed by loud music, patrons yelling and fighting, gun shots, fireworks and the fact that the premises has been open until 4:00 a.m. on occasion. FRANCANO will testify to the negative impacts the premises has had on his quality of life. (See Exhibit 73)

99. Eric OXLEY lives a few hundred feet from the premises and has lived in his residence for the last fifteen years. OXLEY has called the police numerous times to report noise and fighting and drinking in the parking lot of the premises after the operating hours. OXLEY stated that the premises negatively affects his quality of life in that there is loud noise from the premises every weekend from 11:00 p.m. to 2:30 a.m. OXLEY stated that bottles have been thrown at his house, as well as into his yard, and that while walking his dog he has found numerous baggies that he believes to be drug-related in the grass around the premises. OXLEY has observed sex acts being performed in front of his house and has confronted patrons of the premises urinating through his fence into his backyard, with at least one of these confrontations almost leading to a fight with the patron who screamed and yelled at him. (See Exhibit 74)

100. Jimmie WHELAN has lived with his wife Patricia 100 feet from the premises for three years. WHELAN has called the police on many occasions, usually on Friday and Saturday nights to report the activities of the premises. WHELAN stated that the premises has negatively affected his and his wife's quality of life in that they are woken up on Friday and Saturday nights

by people screaming, engines revving, loud music, and fighting taking place at the premises. WHELAN has also notified the police of gang activity at the premises, including members of the Pagans wearing their colors and entering the premises. (See Exhibit 75)

101. Sharon FOX lives approximately 250 feet from the premises, across the Neshaminy Creek and has lived in this residence for ten years. FOX has made numerous calls to the police and is not aware of any police response. FOX stated that the premises has negatively affected her quality of life in that she cannot sleep due to the noise coming from the premises and that her television cannot drown out the noise from the premises. FOX also stated that she has been threatened by people at the premises when she has shined a flashlight in the direction of the premises at 2:30 a.m. FOX stated, "Life sucks at my house since High Tides." (See Exhibit 76)

102. Veronica OUSEY lives a quarter mile from the premises, down the Neshaminy Creek, and has lived in her residence for 19 years. OUSEY has not called the police but has reported several incidents to the PLCB website including M80s being thrown, fireworks being shot off, boats and jet skis being operated drunkenly, people urinating off boats, and fighting on boats. OUSEY stated that the premises has negatively affected her quality of life in that the premises is disruptive to everyday living with loud music, people fighting, reckless driving, and "peeling" wheels in the early morning hours as the patrons leave the premises. OUSEY stated that most of the activities described involving jet skis and boats take place on the creek between 2:00 a.m. and 3:00 a.m. (See Exhibit 77)

103. Joel OUSEY lives a quarter mile from the premises, down the Neshaminy Creek, and has lived in his residence for 19 years. OUSEY has reported issues on the creek stemming from the premises to the Pennsylvania Fish and Game Commission. OUSEY stated that the premises has negatively affected his quality of life with noise from the premises carrying on until

3:00 a.m. on weekends, customers leaving the premises speeding down the street and boaters leaving the premises, violating wake laws, as well as using loud, vulgar language. (See Exhibit 78)

104. Kimberly LYONS lives 150 feet from the premises and has lived there for 13 years. LYONS has called the police on a weekly basis, as well as visiting the police on occasion, to report issues at the premises. LYONS stated that the premises has negatively affected her quality of life in that there is loud music, fighting, drag racing and people yelling in the premises' parking lot on Fridays and Saturdays between 1:00 a.m. and 3:00 a.m. (See Exhibit 79)

105. David LYONS lives on the property adjoining the premises and has lived in this residence for 14 years. LYONS has called the police on several occasions to report noise and fights and rowdy crowds at closing time on weekends. LYONS has noted a police response on occasion based on his calls. LYONS stated that the premises has negatively affected his quality of life due to the crowds showing up drunk and continuing to drink in the parking lot after 10:00 p.m. as well as the large crowds leaving the premises after 2:00 a.m. being noisy and using foul language. LYONS stated that he has had to keep his windows closed to be able to sleep and has had bottles and cans thrown into his yard. (See Exhibit 80)

106. Kathleen LITZ lives a quarter mile from the premises, down the Neshaminy Creek, and has lived in her residence for 36 years. LITZ has called the Pennsylvania Fish and Game Commission to report incidents on the creek involving patrons from the premises. LITZ stated that the premises has negatively affected her quality of life due to loud abusive language coming from boats leaving the establishment in the early morning hours as well as speeding cars leaving in the early morning hours. LITZ has also observed M80s and fireworks being launched. LITZ

stated that she cannot enjoy her backyard at night, especially with younger family members. (See Exhibit 81)

107. The actions of Defendants, their agents, servants, and/or the employees of High Tides as set forth in the aforementioned paragraphs constitute a common nuisance pursuant to Section 611 of the Liquor Code, 47 P.S. §6-611. The volume of police calls for fights, loud crowds, drunk and disorderly patrons and loud music coupled with the fact that the Defendants do not seem to be interested in following the terms set forth by the Board allowing them to maintain a restaurant liquor license and the extremely negative impact the premises and its patrons have on the surrounding neighbors are the definition of a common public nuisance under Section 611 of the Liquor Code.

108. The only manner in which the Commonwealth can gain adequate protection is by a cessation of the operation of a liquor-licensed establishment at 1067 & 1031 Totem Road, Bensalem, PA 19020-4953.

WHEREFORE, in consideration of the averments set forth above the Commonwealth herein prays this honorable court pursuant to Section 611 of the Liquor Code, and the common law for the following relief:

1. To make a preliminary finding based upon the exhibits and affidavits attached hereto that defendants constitute a common nuisance pursuant to 47 P.S. §6-611(b).
2. To issue a temporary writ of injunction pursuant to 47 P.S. §6-611 restraining the defendants from conducting or permitting the continuance of such nuisance until further order of court.
3. To issue a writ of injunction prohibiting the occupation and operation of High Tides Restaurant & Bar, 1067 & 1031 Totem Road, Bensalem, PA 19020

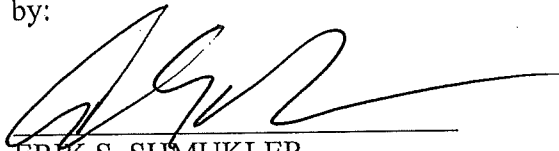
4. To order that the defendants and all other persons be restrained from removing or in any way interfering with the liquids, beverages or other things used in connection with the public nuisance pursuant to 47 P.S. §6-611(b).

5. To set a date for a hearing on the Commonwealth's Complaint

6. To enter a final order and decree ordering the abatement of the nuisance and prohibiting the occupation and operation of High Tides Restaurant & Bar, 1067 & 1031 Totem Road, Bensalem, PA 19020, for a period of one year pursuant to 47 P.S. §6-611(c), by padlocking the buildings at 1067 & 1031 Totem Road, Bensalem, PA 19020 for a period of one (1) year.

RESPECTFULLY SUBMITTED,

by:



ERIK S. SHMUKLER  
Assistant Counsel  
Pennsylvania State Police, BLCE



MATTHEW D. WEINTRAUB  
District Attorney  
Bucks County District Attorney's Office



CHELSEY D. JACKMAN  
Deputy District Attorney  
Bucks County District Attorney's Office



DATED: 9/18/19

**VERIFICATION OF SERVICE**

Assistant Counsel Erik S. Shmukler, District Attorney Matthew D. Weintraub and Deputy District Attorney Chelsey D. Jackman certify that a true and correct copy of the foregoing Petition for Abatement of Common Nuisance will be served in accordance with the Rules of Civil Procedure to the parties listed below:

HIGH TIDES INVESTORS, LLC  
HIGH TIDES RESTAURANT & BAR  
1067 & 1031 Totem Road  
Bensalem, PA 19020-4953

&

JAMES GIBBOMS  
1067 & 1031 Totem Road  
Bensalem, PA 19020-4953

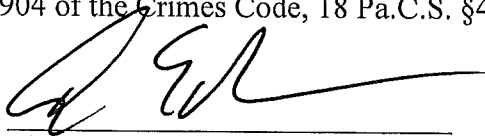
&

PAUL STOPYRA  
1067 & 1031 Totem Road  
Bensalem, PA 19020-4953

&

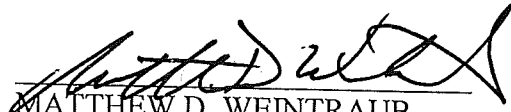
WILLIAM RUSHTON  
1067 & 1031 Totem Road  
Bensalem, PA 19020-4953

The undersigned understand the facts herein are verified subject to the penalties for unsworn falsification to authorities under §4904 of the Crimes Code, 18 Pa.C.S. §4904.



ERIK S. SHMUKLER  
Assistant Counsel

Pennsylvania State Police, BLCE



MATTHEW D. WEINTRAUB

District Attorney

Bucks County District Attorney's Office



CHELSEY D. JACKMAN

Deputy District Attorney

Bucks County District Attorney's Office

DATED: 9/18/19